

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HUGO LEYVA-MARTINEZ,

Defendant.

8:16CR13

**PRELIMINARY ORDER OF
FORFEITURE**

This matter comes on before the Court upon the United States' Motion for Preliminary Order of Forfeiture (Filing No. 63). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has agreed to plead guilty to Count I, II, and III and agreed to admit to the Forfeiture Allegation of said Superseding Indictment. Count I charged the Defendant with conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 846. The Forfeiture Allegation charged the Defendant with using the following properties to facilitate the commission of the conspiracy and/or was derived from proceeds obtained directly or indirectly as a result of the commission of the conspiracy:

a. \$35,640.00, cash, seized from 332 South 154th Street, Omaha, Nebraska on December 7, 2015;

b. a 2006 F250 truck, VIN 1FTSW21P16EA97896; and

c. the following list of weapons seized on December 7, 2015 from storage unit no. 809 at 9815 Redick Avenue. Omaha, Nebraska:

a. D Technik Czeck Republic 7.62 caliber long gun with folding stock, serial number VZ5800992;

b. M 31 SA9 X 19 .9mm drum fed carbine long gun, serial number Y000874;

- c. Tikka T3 308 caliber bolt action scoped rifle, serial number D21606;
- d. Kimber Pro carry 2 .45 caliber semi-automatic handgun, serial number KR43265;
- e. Springfield XD .9mm Semi-automatic, serial number XD135922;
- f. Burgo 38 special .38 caliber revolver, serial number 113305;
- g. Rheinische Metallwagren semi-automatic .32 caliber pistol, serial number 131859;
- h. Taurus PT 111 .9 mm handgun, serial number TYB62425;
- i. Taurus PT 92 AF .9mm pistol, serial number TYA54248;
- j. High standard model# 102 .22 caliber handgun, serial number 1043487;
- k. AMT semi-automatic handgun .9mm, serial number A09243; and
- l. Olympic arms lower receiver for a .223 caliber rifle serial number 6174.

2. By virtue of said plea of guilty, the Defendant forfeits his interest in the aforementioned properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C. § 853.

3. The United States' Motion for Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Superseding Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the following properties:

- a. \$35,640.00, cash, seized from 332 South 154th Street, Omaha, Nebraska on December 7, 2015;
- b. a 2006 F250 truck, VIN 1FTSW21P16EA97896; and

c. the following list of weapons seized on December 7, 2015 from storage unit no. 809 at 9815 Redick Avenue. Omaha, Nebraska:

- a. D Technik Czeck Republic 7.62 caliber long gun with folding stock, serial number VZ5800992;
- b. M 31 SA9 X 19 .9mm drum fed carbine long gun, serial number Y000874;
- c. Tikka T3 308 caliber bolt action scoped rifle, serial number D21606;
- d. Kimber Pro carry 2 .45 caliber semi-automatic handgun, serial number KR43265;
- e. Springfield XD .9mm Semi-automatic, serial number XD135922;
- f. Burgo 38 special .38 caliber revolver, serial number 113305;
- g. Rheinische Metallwagren semi-automatic .32 caliber pistol, serial number 131859;
- h. Taurus PT 111 .9 mm handgun, serial number TYB62425;
- i. Taurus PT 92 AF .9mm pistol, serial number TYA54248;
- j. High standard model# 102 .22 caliber handgun, serial number 1043487;
- k. AMT semi-automatic handgun .9mm, serial number A09243; and
- l. Olympic arms lower receiver for a .223 caliber rifle serial number 6174.

C. The Defendant's interest in the aforementioned properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned properties are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the properties to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 7th day of September, 2016.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON
Senior United States District Judge